

FARMINGTON CITY COUNCIL MEETING
Tuesday, April 7, 2009

CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

PRESENT: Mayor Scott Harbertson, Council Members Richard Dutson, Paula Alder, City Manager Max Forbush, City Recorder Margy Lomax and Recording Secretary Cynthia DeCoursey

Mayor Harbertson began discussion at 6:40 p.m. He welcomed **Paula Alder, Rick Dutson** and **Max Forbush** to the meeting. The following items were discussed:

(Agenda Item #4): Public Hearing: Consideration of ordinance to vacate all of Burke Lane between U.S. 89 and I-15 South of the Farmington Crossing Development

Mayor Harbertson read Section 4 on page 2 of this proposed ordinance. **Max Forbush** said the reason the City wants to vacate Burke Lane is so it can transfer conveyance when it receives the trail easement and when UDOT grants the City the permit for the perimeter trail more particularly explained on Agenda Item #9. He explained that this ordinance is being used as leverage to encourage UDOT and the Davis County to work toward a solution regarding this issue.

Clarification: Additional clarification by City Manager is as follows:

- Farmington Preserve agreements signed in 1996 require vacation of Burke Lane to Davis County.

(Agenda Item #5): Public Hearing: Consideration of Proposed Amendments to Title 15 (Sign Ordinance)

The **Mayor** told the Council this Item would be continued until the next meeting.

(Agenda Item #6): Rear Lot Line Adjustment Request between Ross & Colleen Ferrin and Judith Brady located at 263 West 1000 North

Mayor Harbertson said this is a request for a rear lot line adjustment from the **Ferrins** and **Judith Brady**. He referred to a letter from **Ms. Brady** saying she agrees with the adjustment. He said the suggested motion is listed in the staff report. **Mr. Forbush** explained some of the details involved, and there was a brief discussion regarding zoning, open space, and lot sizes.

(Agenda Item #7): City Staff request for authorization to publish and advertise “Requests for Proposals” for Construction-Management/General Contractor (CM/GC) services pertaining to the construction of the new City Hall

Mayor Harbertson referred to Agenda Item #7 which is a Staff request for a CM/GC and said there were some positive advantages to this request. **Rick Dutson** said this is an excellent proposal because it brings the contractor on board immediately. The contractor would be able to work directly with the architect to establish a timeline and a fee structure, manage the entire project, hire the subcontractors and handle small details that otherwise might be overlooked. **Mr. Forbush** said he has

received positive feedback from the City Architect and the City Attorney who support the concept, and he would like to have the contractor in place sometime before June. The Council discussed more of the details involved and reviewed some minor changes on the new City building.

Mr. Forbush said the proposed Hampton Inn Hotel is progressing. He reported that there would be a storage unit business built on 650 West south of Glover Lane in the LM&B area. **Mayor Harbertson** gave a brief review of the Minute Motion items, and **Mr. Forbush** gave a brief update regarding Agenda Item #5.

Mayor Harbertson ended the work session at 7:00 p.m.

REGULAR CITY COUNCIL/CITYCHAMBERS/CALL TO ORDER

PRESENT: Mayor Scott Harbertson, Council Members Richard Dutson, Paula Alder, Cory Ritz, City Manager Max Forbush, City Recorder Margy Lomax, and Recording Secretary Cynthia DeCoursey

Mayor Harbertson opened the meeting at 7:15 p.m. and welcomed those in attendance. **Paula Alder** offered the invocation. **Harrison Sturgeon**, a local boy scout, led the audience in the pledge of allegiance. **Cory Ritz** arrived at the meeting at 7:20, and the **Mayor** proceeded with the agenda.

PUBLIC HEARING: CONSIDERATION OF ORDINANCE TO VACATE A 6-FOOT WIDE PUBLIC TRAIL RIGHT-OF-WAY WITHIN CREEKSIDE ESTATES PUD (ADJACENT TO AND NORTH OF LOT 116) CONNECTING 965 SOUTH (SHADY LANE) TO 200 EAST STREET (Agenda Item #3)

Motion

Paula Alder made a motion to continue this item to the next City Council meeting on April 21, 2009. **Rick Dutson** seconded the motion, and it was unanimously approved. (See attached addendum to the minutes for further information.)

PUBLIC HEARING: CONSIDERATION OF ORDINANCE TO VACATE ALL OF BURKE LANE BETWEEN U.S. 89 AND I-15 SOUTH OF THE FARMINGTON CROSSING DEVELOPMENT (Agenda Item #4)

Mayor Harberston opened the public hearing at 7:25 p.m. There was no one to speak regarding the Item, and the hearing was closed at 7:25 p.m. The **Mayor** said the agreement has not been finalized with UDOT.

Motion

Rick Dutson made a motion that the City adopt the ordinance to vacate all of Burke Lane between U.S. 89 and I-15 south of Farmington Crossing Development subject to the memo dated April 2, 2009 from **David Petersen** to the City Council, items 1-5, and with the understanding that it will be subject to the City signing the agreement of the perimeter trail with UDOT. **Cory Ritz** seconded the motion, and it was unanimously approved.

1. The City must receive and record a public trail easement acceptable to the City from Davis County and UDOT for all portions of the perimeter trail south of the existing pond, which pond is located north of property once owned by Milo Kirkham et. al. near the northeasterly area of the southerly phase of the project known as Farmington Crossing developed by Garbett Homes, southerly to Burke Lane and westerly and northwesterly from this area to the area near the south end of 1100 West Street, thence northwesterly along Oakridge Country Club property to Set Court.
2. The City Engineer must prepare a legal description for the right of way which shall be incorporated and become Exhibit "A" to the ordinance.
3. The City Attorney must review and approve the ordinance.
4. All of the property abutting the right-of-way to be vacated must be under the ownership of a public or quasi-public entity as shown on the official plat map in the office of the Davis County Recorder.
5. The Mayor shall not sign the ordinance nor shall the City record the ordinance until the aforementioned conditions have been met.

PUBLIC HEARING: CONSIDERATION OF PROPOSED AMENDMENTS TO TITLE 15 (SIGN ORDINANCE) (Agenda Item #5)

Mayor Harbertson informed the Council that Staff was not ready to consider this item.

Motion

Cory Ritz made a motion to continue this public hearing to a date as set forth in the agenda by Staff. **Paula Alder** seconded the motion, and it was unanimously approved.

REAR LOT LINE ADJUSTMENT REQUEST BETWEEN ROSS & COLLEEN FERRIN AND JUDITH BRADY LOCATED AT 263 WEST 1000 NORTH (Agenda Item #6)

Mayor Harbertson said that **Ross & Colleen Ferrin** would like to purchase approximately 5,000 square feet of **Judith Brady's** property. **Mr. Forbush** said both properties are zoned LR, and the adjustment would not result in a violation of the Zoning Ordinance so long as the City Council approves a waiver of open space allowing for lots under 20,000 square feet in size. A letter of agreement from **Ms. Brady** was included in the staff report.

Motion

Rick Dutson made a motion to approve the waiver of open space and authorize the **Mayor** to execute the enclosed notice of approval of boundary line adjustment to allow the **Ferrins** and **Judith Brady** to execute the boundary adjustment as requested. **Paula Alder** seconded the motion, and it was unanimously approved.

CITY STAFF REQUEST FOR AUTHORIZATION TO PUBLISH AND ADVERTISE A "REQUEST FOR PROPOSALS" FOR CONSTRUCTION/MANAGEMENT/GENERAL CONTRACTOR (CM/GC) SERVICES PERTAINING TO THE CONSTRUCTION OF THE NEW CITY HALL (Agenda Item #7)

Mayor Harbertson said this item was discussed in the work session, and the Council agreed this was a positive measure.

Motion

Paula Alder made a motion to approve the City Staff's request for authorization to publish and advertise a "request for proposals" for Construction/Management/General Contractor (CM/GD) services pertaining to the construction of the new City Hall. **Cory Ritz** seconded the motion, and it was unanimously approved.

MINUTE MOTION APPROVING SUMMARY ACTION LIST (Agenda Item #8)

Ratification of approvals of Construction Bond Agreements

Authorize Mayor to sign Contractual Services Agreements with miscellaneous contractors to provide emergency/small project services pertaining to lease of heavy equipment and removal and replacement of sidewalk, curb and gutter and drive approach.

Approval of Agreement with Andrew Schneider pertaining to the parking of a semi-trailer on City property.

Approval of Fire Line/Hydrant Maintenance Agreement with Bryson and Jill Smith

Approval of UTA Shuttle Bus Agreement between City, Lagoon and UTA

Motion

Rick Dutson made a motion to approve the minute motions on the summary action list. **Paula Alder** seconded the motion, and it was unanimously approved.

BURKE LANE VICINITY TRAIL “COOPERATIVE AGREEMENT” BETWEEN CITY AND UDOT REGION 1 (Agenda Item #9)

Mayor Harbertson explained that this Item relates directly to Item #4 and needs to be signed before the City will vacate the road to Davis County. He said the Council discussed this Item in the work session, and they believe the document contains the necessary components. **Mr. Forbush** answered some questions and discussed a few details regarding this issue.

Motion

Rick Dutson made a motion that based upon the signature from UDOT Region 1, the City Council authorizes the **Mayor** to sign the Cooperative Agreement for the Re-alignment of the Perimeter Trail Adjacent to the Farmington Preserve Project. **Cory Ritz** seconded the motion, and it was unanimously approved.

REVIEW OF FUEL BREAK ROAD AGREEMENT WITH JERRY STEVENSON (Agenda Item #10)

Mayor Harbertson and the Council discussed several of the proposed issues in the Agreement, **Mr. Forbush** said the next step is to meet with **Mr. Stevenson**. He has sent a letter to the Forest Service requesting permission to access their land, but he has not received a response. He also pointed out that the reason the City Council did not vote on this before was because they were concerned about precedence on the Armstrong road. The **Mayor** asked if the emergency access proposal is included in the agreement, and **Mr. Forbush** said it was not included. The Council felt it should be added, and **Mr. Forbush** agreed to discuss the matter with the City Attorney.

PLANNING COMMISSION REPORT

John Bilton, Chairman of the Planning Commission, arrived at the meeting at 7:45 p.m. and gave a report. He told the Council that the street standards for Elliott Lane in Nicholl's Nook were discussed at length. The Commission has some concerns with the proposal, including: width of street, sidewalks, whether or not it will be a through road in the future, and possible changes in the size of the backyards. He said **Mr. Griffin** was not in attendance at the meeting, and the Commission tabled this

Item. He said Chapter 41 was discussed at length, and **Jared Johnson** of Yesco voiced many concerns regarding the ordinance.

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MAYOR HARBERTSON'S REPORT (Agenda Item #11)

Mayor Harbertson mentioned that **Kennan Sparks**, a student from Farmington Junior High, won the State geography bee. He expressed his desire to recognize him for this achievement, and he suggested a coin stamped with the City logo as a possibility. He said it could be used as recognition for other service and achievements of Farmington residents in the future.

CITY COUNCIL REPORTS (Agenda Item #12) There were no City Council reports.

MISCELLANEOUS ITEMS (Agenda Item #13)

Paula Alder reminded the Council of the Easter egg hunt which will be held at the City's main park (north of Farmington Elementary). Members of the Youth Council will be there at 8:45 a.m. to help, and the egg hunt will start at 10:00 a.m.

CLOSED SESSION

Motion

At 8:05 p.m. **Paula Alder** made a motion to adjourn to a closed session to discuss the acquisition of real property. **Cory Ritz** seconded the motion, and it was unanimously approved.

SWORN STATEMENT

I, Scott C. Harbertson, Mayor of Farmington City, do hereby affirm that the items discussed in the closed meeting were as stated in the motion to go into closed session and that no other business was conducted while the Council was so convened in a closed meeting.

Scott C. Harbertson, Mayor

At 8:20 p.m. a motion was made by **Rick Dutson** to go back into an open session. The motion was seconded by **Paula Alder** and approved unanimously.

ADJOURNMENT

With there being no further business to come before the Council and upon motion to adjourn by **Rick Dutson** and seconded by **Paula Alder**, the meeting was adjourned at 8:20 p.m.

Margy Lomax, City Recorder

Addendum and clarification to City Council Minutes of April 7, 2009, approved at the April 21, 2009, City Council meeting.

Sid Young made a clarification that the matter of vacating the trail in Creekside Estates Subdivision was not brought up by the City but by the Creekside Homeowners Association.